

#14

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of) Group Art Unit 1762
)
Jerome M. Klosowski, Charles W. Smith, and) Examiner Erma C. Cameron
Donny L. Hamilton)
)
Serial No. 09/410,162)
)
Filed September 30, 1999)
)
Title Conservation of Organic and Inorganic Materials)
)
Docket No. DC 4810) October 20, 2003

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OCT 20 2003*RECONSIDERATION of HOLDING of ABANDONMENT*

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This is in response to the Patent Office Action, Paper No. 12, dated October 16, 2003.

Please reconsider the holding of abandonment in the above-identified patent application. A Request for Continued Examination (RCE) was filed on August 5, 2003, as evidenced by the attached US Patent Office Auto-Reply Facsimile Transmission Receipt Confirmation.

In a telephone conversation today with Examiner Cameron, Examiner Cameron requested that the relevant papers be sent via facsimile transmission to the new central facsimile number (703) 872-9306.

Accordingly, attached are the Auto-Reply Facsimile Transmission Receipt Confirmation, the Request for Continued Examination (RCE), an Amendment Under 37 CFR 1.111, and the Office Action dated October 16, 2003.

As noted in the Remarks section of the Amendment, the Amendment was filed in response to the Decision on Appeal dated July 22, 2003. The original Claims 1-71 have been cancelled and replaced by new Claims 72-77. The new claims cover subject matter which is (i) neither shown by the prior art applied by the Examiner and/or The Board of Appeals, (ii) nor is the subject matter claimed in the parent application (now US Patent 6,022,589 dated February 8, 2000, of which the present application is a division). An early action on the merits of this Continued Examination (RCE) Application is therefore requested.

Respectfully submitted,

DOW CORNING CORPORATION



Jim L. De Cesare, Reg. No. 27979
Telephone (989) 496-4235

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USPTO 8/5/03 10:37 PAGE 1/1 RightFAX
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 Page

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08/05/03 10:30 FAX 9894966354		DC PATENT DEPT.		0001	
CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.5) Applicant(s): Jerome K. Marshall et al.				Docket No. DC4810	
Serial No. 09/410,162	Filing Date September 30, 1999	Examiner Irma C. Chomova	Group Art Unit 1761		
Invention: CONSERVATION OF ORGANIC AND INORGANIC MATERIALS					
I hereby certify that this <u>RCE Amendment</u> <small>(Identify type of correspondence)</small> is being facsimile transmitted to the United States Patent and Trademark Office (Fax No. (703) 872-4311) on <u>August 5, 2003</u> <small>(Date)</small>					
<u>Shelly K. Marshall</u> <small>(Typed or Printed Name of Person Signing Certificate)</small> <u>Shelly K. Marshall</u> <small>(Signature)</small>					
Note: Each paper must have its own certificate of mailing.					
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/410,162	09/30/1999	JEROME MELVIN KLOSOWSKI	DC4810	6462
137	7590	10/16/2003		
DOW CORNING CORPORATION CO1232				
2200 W. SALZBURG ROAD				
P.O. BOX 994				
MIDLAND, MI 48686-0994				

EXAMINER
CAMERON, ERMA C

ART UNIT	PAPER NUMBER
1762	

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OCT 20 2003

PATENT DEPT
DOW CORNING

DATE MAILED: 10/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-13

Notice of Abandonment	Application No.	Applicant(s)	
	09/410,162	KLOSOWSKI ET AL.	
	Examiner	Art Unit	
	Erma Cameron	1762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☒ The decision by the Board of Patent Appeals and Interference rendered on 7/22/2003 and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Erma Cameron
ERMA CAMERON
PRIMARY EXAMINER

Erma Cameron
 Primary Examiner
 Art Unit: 1762

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.